

LAND SURVEYORS SECTION MEETING

MINUTES

The Land Surveyors Section of the Virginia Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects (APELSCIDLA Board) met on November 12, 2003, at the Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia, with the following members present:

Doyle B. Allen
John R. McAden
W. R. Stephenson, Jr.

Staff present for all or part of the meeting were:

Mark N. Courtney, Executive Director
Marian H. Brooks, Program Administrator
Trisha L. Henshaw, Administrative Assistant
Victoria Traylor, Legal Assistant

No representative of the Office of the Attorney General was present for the meeting.

Mr. Allen, Chair, called the meeting to order at 9:00 a.m.

Call to Order

Mr. Stephenson moved to approve the agenda as written. Mr. McAden seconded the motion which was unanimously approved by members: Allen, McAden, and Stephenson.

Approval of Agenda

Public Comment Period – No comments were made to the Section members.

Public Comment

The following representatives from Old Dominion University were present to discuss the surveying program at ODU: Vernon "Wes" Lewis, Jr., PE, Program Director of the Civil Engineering Technology program; Nidal A. Dahman, Ph.D., Assistant Professor and Coordinator of the Geomatics Program; and John L. Rand, PE, LSIT, Surveying Lecturer. Mr. Lewis introduced Dr. Dahman and Mr. Rand to the Section members. Mr. Lewis stated that while ODU was previously planning to seek ABET accreditation of the geomatics program, they have now decided not to pursue ABET accreditation.

Update on Status of ODU Land Surveying Program

Dr. Dahman then provided the Section members with a handout of his presentation. Dr. Dahman stated that the Bachelor of Science in Civil

Engineering Technology (CET) is a Technology Accreditation Commission (TAC) of the Accreditation Board for Engineering and Technology (ABET) accredited program. Several options in this program are Surveying and Site Development, Construction Engineering, and Structural Design. Graduates of the CET program are eligible to take the Fundamentals of Engineering examination. Dr. Dahman further stated that there are 192 students enrolled in the 5 surveying courses being offered this semester. Graduates of the Surveying and Site Development option are eligible to take the Fundamentals of Engineering and Fundamentals of Land Surveying examinations. Dr. Dahman also provided a list of the current courses offered in the Surveying and Site Development option, and a list of the future courses that will be offered by ODU. While two courses are being deleted from the list of current courses due to redundancy, four new courses are being offered that include emphasis on advanced photogrammetry, geodetic and astronomical surveying, adjustment computations, and remote sensing. Mr. Lewis stated that additional information regarding the General Engineering Technology program will be forwarded for consideration at the next Land Surveyors Section meeting.

In reference to **File Number 2002-01549, Richard Dale Hodges**, the Section members reviewed the Consent Order as seen and agreed to by Mr. Hodges. Mr. McAden moved to recommend that the Board find Mr. Hodges in violation of 18 VAC 10-20-370.C.2.a, 18 VAC 10-20-370.C.2.d, and 18 VAC 10-20-760.B, all of the Board's 1999 regulations. Mr. Stephenson seconded the motion which was unanimously approved by members: Allen, McAden, and Stephenson. Ms. Traylor indicated that Mr. Hodges had not been subject to prior disciplinary action by the Board. Mr. Stephenson moved to recommend that the Board accept the Consent Order imposing the following sanctions: \$150 for the violation of 18 VAC 10-20-370.C.2.a; \$250 for the violation of 18 VAC 10-20-370.C.2.d; \$250 for the violation of 18 VAC 10-20-760.B; and \$300 in Board costs. Further, Mr. Stephenson recommended that, in accordance with the terms of the Consent Order, the imposition of the \$250 monetary penalty on Count III be stayed provided that Mr. Hodges furnish the Board with a copy of the plat from the Carroll County land records office which contains the seal, signature, and date, within 15 days of acceptance of the Consent Order by the Board. Mr. Stephenson further moved to recommend that Mr. Hodges' failure to pay the penalty, costs, or to comply with all terms of the Order within the specified time period shall result in the automatic suspension of Mr. Hodges' license until such time as there is compliance with all terms of the Order. Mr. McAden seconded the motion which was unanimously approved by members: Allen, McAden, and Stephenson.

File Number 2002-01549, Richard Dale Hodges

Regarding **File Number 2002-02786, Monroe Grayson Chew, IV**, the Section members reviewed the record of the Informal Fact-Finding Conference, which consisted of the investigative file, transcript and exhibits, and Summary of the Informal Fact-Finding Conference of the presiding Board member. Mr. Stephenson moved to recommend that the Board accept the Summary of the Informal Fact-Finding Conference as to the violations, which are as follows:

File Number 2002-02786, Monroe Grayson Chew, IV

Count I: Violation of 18 VAC 10-20-790.A.3 of the 1999 regulations for professional incompetence or negligence.

Count II: Violation of 18 VAC 10-20-740.C of the 1999 regulations for Chew's failure, upon request or demand, to produce to the Board, or any of its agents, any plan, document, book, record, or copy thereof in his possession concerning a transaction covered by this chapter, and failed to cooperate in the investigation of a complaint filed with the Board against a licensee or certificate holder.

Count III: Violation of 18 VAC 10-20-770 of the 1999 regulations for use of letterhead not in compliance with the Board's regulations.

Mr. McAden seconded the motion which was unanimously approved by members McAden and Stephenson. Ms. Traylor indicated that Mr. Chew had not been subject to prior disciplinary action by the Board. Mr. Stephenson moved to recommend that the Board amend the sanctions in the Summary of Informal Fact-Finding Conference of the presiding Board member and, due to the severity of Mr. Chew's actions, recommend that, in lieu of monetary penalties, Mr. Chew's license be revoked for the violations found in each of Counts I, II, and III. Mr. McAden seconded the motion which was unanimously approved by members McAden and Stephenson. As the presiding Board member at the Informal Fact-Finding Conference, Mr. Allen was not present during the discussion or vote.

In reference to **File Number 2002-00282, Monroe Grayson Chew, IV**, the Section members reviewed the record of the Informal Fact-Finding Conference, which consisted of the investigative file, transcript and exhibits, and Summary of the Informal Fact-Finding Conference of the presiding Board member. Mr. Stephenson moved to recommend that the Board accept the Summary of the Informal Fact-Finding Conference as to the violations, which are as follows:

File Number 2002-00282, Monroe Grayson Chew, IV

Count I: Violation of 18 VAC 10-20-790.A.3 of the 1999 regulations for professional incompetence or negligence.

Count II: Violation of 18 VAC 10-20-740.C of the 1999 regulations for Chew's failure, upon request or demand, to produce to the Board, or any of its agents, any plan, document, book, record, or copy thereof in his possession concerning a transaction covered by this chapter, and failed to cooperate in the investigation of a complaint filed with the Board against a licensee or certificate holder.

Mr. McAden seconded the motion which was unanimously approved by members McAden and Stephenson. Ms. Traylor indicated that Mr. Chew had not been subject to disciplinary action by the Board prior to this meeting. Mr. Stephenson moved to recommend that the Board amend the sanctions in the Summary of Informal Fact-Finding Conference of the presiding Board members and, due to the severity of Mr. Chew's actions and for his actions related to the plat and elevation certificate for Nyca in receiving payment for services and then failing to complete those services, recommend that, in lieu of monetary penalties, Mr. Chew's license be revoked for the violations found in each of Counts I and II. Mr. McAden seconded the motion which was unanimously approved by members McAden and Stephenson. As the presiding Board member at the Informal Fact-Finding Conference, Mr. Allen was not present during the discussion or vote.

The Section members were provided with information from the National Council of Examiners for Engineering and Surveying (NCEES) regarding examination security breach procedures for informational purposes. Mr. Courtney indicated that the information was submitted to the Department's Examinations Division for coordination with the examination vendor.

NCEES
Correspondence:
Exam Security

The Section members were provided with information from NCEES regarding ELSESES, LLC. Mr. Courtney explained the relationship between NCEES and ELSESES, LLC, and that ELSESES, LLC, administers the Fundamentals of Engineering, Fundamentals of Land Surveying, Principles and Practice of Engineering, and Principles and Practice of Land Surveying examinations for certain jurisdictions. Mr. Courtney indicated that there have been concerns expressed by member boards regarding the relationship between NCEES and ELSESES, LLC.

NCEES
Correspondence:
ELSESES, LLC

The Section members were also provided with information from NCEES regarding the NCEES National Awards to be presented at the 2004 Annual Meeting in Cleveland, Ohio. After discussion, Mr. Stephenson moved to recommend to the APELSCIDLA Board that Mr. Wilmer F. Sirine, II, be resubmitted for the Distinguished Service Award. Mr. McAden seconded

NCEES
Correspondence:
NCEES National
Awards

the motion which was unanimously approved by members: Allen, McAden and Stephenson.

In conjunction with the report from the NCEES Annual Meeting, the Section members were provided with correspondence from Louis A. Raimondi, Northeast Zone Vice President, regarding concerns expressed at the Annual Meeting about communication between the boards and NCEES leadership. In addition, Mr. Allen provided an update from the Colonial States meeting that was held in conjunction with the NCEES Annual Meeting. Mr. Allen indicated that the major topic of discussion was an update on the Land Surveying Professional Activities and Knowledge Survey (PAKS). An item writing workshop for the examination was also held during the Colonial States meeting.

**Report from NCEES
Annual Meeting and
Colonial States
Meeting**

Mr. Courtney indicated that the draft proposed regulations would be considered for adoption as proposed at the December 11, 2003, Board meeting. Mr. Courtney stated that if the draft proposed regulations are not adopted as proposed at the December Board meeting, the regulatory review process would need to start over from the beginning. Mr. Courtney pointed out a few areas that needed corrections, as well as some issues that may arise at the Board meeting.

**Review of Draft
Proposed Regulations**

The Section members were provided with information from the NSPS-ACSM Survey Technician Program regarding the requirements for their program. After review, the Section members agreed by consensus that graduates of the Level IV program appeared to have met the education requirements as a survey apprenticeship program pursuant to 18 VAC 10-20-300.5 of the Board's regulations and asked staff to correspond with them accordingly.

**Review of NSPS-
ACSM Survey
Technician Program**

The Section members were provided with an enrollment form to allow travel reimbursements to be directly deposited into the Board member's bank account. Mr. Courtney explained that the Department is greatly encouraging participation in this program as direct deposit is less expensive than issuing a check, and the recipient receives their reimbursement much faster through direct deposit. The Board members stated that they would return the completed enrollment forms to Mr. Courtney.

**Electronic Deposit of
Travel Expenditure
Reimbursements**

The Section members were provided with a letter from Veston W. Bush, Jr., LS, to Donald L. Hiate, NCEES President, regarding the composition of the Examination for Professional Surveyors committee of NCEES. Mr. Allen indicated that he would discuss the issue with the Chair of the Land Surveyors' Forum in January.

Other Business

Mr. Allen informed the Section members that Professional Credential Services, Inc. (PCS) will be hosting an examination writing workshop for the Land Surveyor B examination. Mr. Allen stated that any interested parties can be submitted to him and he will notify PCS.

Mr. Allen also discussed an e-mail he received from a PCS representative regarding a candidate requesting a publication from the Army Corp of Engineers. Mr. Stephenson indicated that he could locate the requested document and notify the appropriate party.

The Section members reviewed a draft proposed regulation prepared by Mr. Allen. Mr. Courtney indicated that the information would be included with the draft proposed regulations for the Board's consideration at its meeting on December 11, 2003.


Continuation of
Review of Draft
Proposed Regulations

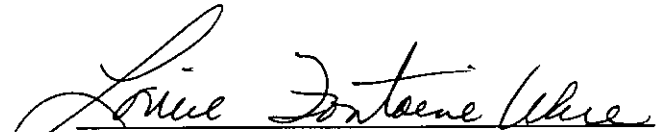
Conflict of Interest forms were completed by all members present.

Conflict of Interest
Forms

There being no further business, the meeting was adjourned at 2:01 p.m.

Adjourn


Doyle B. Allen, Chair


Louise Fontaine Ware, Secretary

COPY TESTE:

Custodian of Records